

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHINAJHA ROCANN EARLY,
SHAMEASE RACHEAL EARLY and
SHAREASE RACKELL EARLY, Minors.¹

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BARBARA ANN EARLY,

Respondent-Appellant,

and

MARVIN ADLER,

Respondent,

and

MICHAEL JACKSON,

Respondent.

Before: Smolenski, P.J., and Murphy and Wilder, JJ.

MEMORANDUM.

UNPUBLISHED
September 16, 2003

No. 242523
Wayne Circuit Court
Family Division
LC No. 99-382717

¹ The trial court entered two orders terminating respondent-appellant's parental rights, one that listed only Shinajha, Shamease, and Sharease Early and one that listed all five of respondent's children. It is apparent from these two orders, and from our review of the entire record, that the trial court terminated respondent-appellant's parental rights to all five children. However, with her claim of appeal, respondent only filed the trial court's order terminating her parental rights to the above-listed three children. Respondent never sought to amend her appeal to include her two oldest children. Therefore, this appeal is limited to Shinajha, Shamease, and Sharease Early.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent argues on appeal that the trial court clearly erred in determining that termination was in the best interests of the children. We note that an affirmative determination that termination is in the children's best interest is not required. *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000). Rather, the court must terminate parental rights unless it finds that termination of the child's parental rights is clearly not in the child's best interest. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. After reviewing the record, we find that the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. The evidence clearly demonstrated that respondent-appellant had not addressed her inability to provide safe, stable, and suitable housing for her children. Furthermore, at the termination hearing, respondent-appellant had no verifiable income for the last three months or credible evidence of housing. Thus, the trial court did not clearly err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Michael R. Smolenski
/s/ William B. Murphy
/s/ Kurtis T. Wilder